

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2006-200-C - ORDER NO. 2006-496  
AUGUST 23, 2006

IN RE: Petition of BellSouth Telecommunications,     ) ORDER REVERSING  
      Inc. for Review of NXX Code Denial in the     ) NANPA DECISION  
      Spartanburg Rate Center.                     )

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Review of the denial by the North American Numbering Plan Administration (NANPA) of BellSouth Telecommunications, Inc.'s (BellSouth's or the Company's) application for use of central office code numbering resources in the 864 area code.

The Federal Communications Commission (FCC) has set a "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must establish that existing inventory within the carrier's rate center will be exhausted within six months of their code application (months-to-exhaust or MTE), and the carriers must meet a rate center utilization threshold of 60 percent in order to receive additional numbering resources. The utilization threshold has increased by five percent per year, and has now reached the maximum of 75 percent. Based on the FCC's orders, carriers must meet both the six months MTE requirement and the utilization threshold on a rate center basis in order to obtain numbering resources.

On or about July 7, 2006, according to BellSouth, the Company submitted a Pooling Administration System request to NANPA and NeuStar for the assignment of a one thousand number block with the same NXX in the Spartanburg, South Carolina Rate Center. According to BellSouth, one new consecutive thousand number block is needed to meet the numbering demands of Spartanburg School District 3. This customer is requesting an additional one thousand contiguous numbers, preferably the range of XXX-8000 to XXX-8999. Spartanburg School District 3 has recently been involved in an effort to have all School Districts in South Carolina equipped with MetroE Service (ME). In order to advance the capability of the ME to tie all of Spartanburg School District 3's schools together, it is necessary for a one thousand number block to be granted. As BellSouth does not have existing numbers to meet the customer's request, a one thousand number block with the same NXX is needed. According to BellSouth, the Company's application was completed in accordance with Industry Numbering Committee's (INC's) and/or NANPA's guidelines, and the necessary MTE Certification Worksheets were completed. At the time of the filing of the code request, the BellSouth Spartanburg Rate Center had an MTE of 125.17 months and a utilization of 75.84%.

Thereafter, on or about July 7, 2006, NANPA's Central Office Code Administration denied BellSouth's code request because BellSouth had not met the rate center based MTE criterion now set forth in the Central Office Code (NXX) Guidelines. The Company notes that NANPA denied BellSouth's code requests, despite the fact that BellSouth does not have adequate numbering resources needed to satisfy its customer's demands in the Spartanburg Rate Center.

BellSouth states that its inability to provide this important customer with the requested numbers prevents BellSouth from providing the quality of service this customer desires, needs, and expects. BellSouth notes that if it is not assigned the NXX thousand number block needed to meet the customer's request, BellSouth will be unable to provide telecommunications services requested by the customer. Further, according to BellSouth, NANPA's refusal to grant numbering resources sufficient to meet the customer's needs is inconsistent with FCC statements that consumers should not be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources. FCC 00-429 at Paragraph 61.

According to BellSouth, both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines provide that state regulatory authorities have the power and authority to review NANPA's decision to deny a request for numbering resources. Prior to the FCC's Order and the resulting change in the Central Office Code (NXX) Assignment Guidelines, the MTE procedures used by NANPA permitted a carrier to receive a code assignment, even if the MTE requirement at the switch level was not met. These waivers or exceptions were granted where customer hardships could be demonstrated or where the service provider's inventory did not have a block of sequential numbers large enough to meet the customer's specific request. Under today's procedures, NANPA looks at MTE for the entire rate center without any exceptions. The FCC has determined, however, that States may grant relief "if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362, Paragraph 64. In addition, the FCC has

ruled that, “States...may grant requests for customers seeking contiguous block of numbers.” Id.

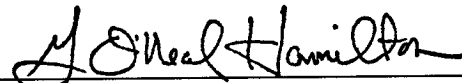
BellSouth therefore requests that this Commission act within its authority to grant the numbering resources on several grounds. First, BellSouth notes that NANPA’s decision to withhold numbering resources from BellSouth interferes with BellSouth’s ability to provide telecommunication services to its customers as required under South Carolina law. Second, BellSouth states that its request for numbering resources would not materially impact exhaustion of the 864 area code. Lastly, BellSouth states that other state regulatory agencies in Alabama, Florida, Georgia, Louisiana, North Carolina, and Tennessee have similarly recognized their jurisdiction and authority to review NANPA denials and to order the release of number resources in order for BellSouth to meet customer needs. Due to the numbering demands of Spartanburg School District 3, BellSouth requests that this Commission override the decision of NANPA denying BellSouth’s request for additional numbering resources and direct NANPA to provide the requested consecutive thousand number block with the same NXX for the Spartanburg, South Carolina Rate Center.

We agree and hereby grant BellSouth’s request. We hold BellSouth has demonstrated receipt of a customer request for numbering resources in a given rate center that BellSouth cannot meet with its current inventory. NANPA is hereby directed to approve BellSouth’s code assignment request originally submitted on or about July 7, 2006, for a consecutive thousand number block with the same NXX to meet the numbering demands of Spartanburg School District 3 in the Spartanburg, South Carolina

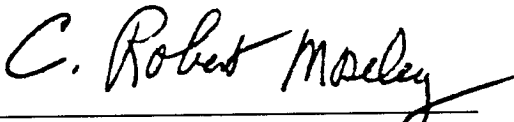
Rate Center as soon as possible. We believe that the additional numbering resource is necessary to meet the legitimate demands of BellSouth's customer for telecommunications service. Further, it should be noted that this request would not materially impact exhaustion of the available NXXs in the 864 area code.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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G. O'Neal Hamilton, Chairman

ATTEST:

  
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C. Robert Moseley, Vice Chairman

(SEAL)